



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,727	12/02/2003	William Randolph Matz	60027.0201US01/BS02339	6346
36072 7590 02/22/2010 AT&T Legal Department - MB Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
ZHONG, JUN FEI				
ART UNIT		PAPER NUMBER		
2426				
MAIL DATE		DELIVERY MODE		
02/22/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,727

Applicant(s)

MATZ, WILLIAM RANDOLPH

Examiner

JUN FEI ZHONG

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-18, 20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-18, 20, 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered 11/17/2009.
2. The Non-Final Office Action of 8/18/2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-3, 5-18, 20, 22-31 are pending.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101.

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claims 13-17, 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 13-17, 23-24 are

drawn to functional descriptive material recorded on a computer storage medium.

Normally, the claim would be statutory. However, the specification, at page 5, lines 15-19 defines the claimed computer readable medium as ***non-statutory*** subject matter such as a "signal".

A "signal" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to include the disclosed tangible computer readable media that specifically is a hardware item such as a disk, while at the same time excluding the intangible media, such as signals. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18, 20, 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (Patent # US 6486920 B2) in view of Marsh (Pub # US 2003/0195863),

in view of Wood et al. (Pub # US 2005/0047752), further in view of Kaltz (Pub # US 2003/0159145).

As to claim 18, Arai discloses a method of displaying a programming guide of channel content in a distributed network having a client device (e.g., receiver 100; Fig. 73) and a server device (e.g., center system 1000; Fig. 73), the method comprising:

receiving content tag information prior to receiving content to which the tag is directly appended (e.g., receives search criteria (program description information) from a user; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

evaluating tag information, wherein evaluating tag information comprises implementing a user profile comprising a stored profile of preferences, wherein the stored profile of preferences comprises user selected criteria (e.g., searching program information matched search condition, such as program fee less than 100 yen) (see col. 8, lines 45-65; col. 9, line 55-col. 10, line 32; Fig. 1 and 3);

displaying a personalized programming guide at the client device, wherein the personalized programming guide displays a preferred subset of available tagged content, wherein the preferred subset is based on the user profile, wherein the personalized programming guide displays at least one personalized channel having tagged content from two or more predetermined channels (e.g., searching program information matched search condition selected by user and display in "My Channel") (see col. 9, lines 17-35; Fig. 4, 6).

Arai does not specifically disclose the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information;

Marsh discloses the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein the content tag information comprises content type, content title, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Arai and Marsh fail to specifically disclose the user selected search condition to exclude contents with certain rating.

Wood discloses user selected criteria comprising at least one content rating to exclude; wherein the personalized channel excludes tagged content based on the at least one content rating in the user profile (e.g., parental control or quality ratings) (see paragraph 0042);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Wood to the personal channel system of Arai as modified by Marsh to provide a personalized channel that a user could enter different search criteria.

Arai, Marsh and Wood do not specifically disclose identifying content preferences in user-assigned order.

Kaltz discloses identifying content preferences in user-assigned order (e.g., user creates a priority list; Fig. 4), wherein conflict is resolved between tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to chose content when more then one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by Kaltz to the personal channel system of Arai as modified by Marsh and Wood when there are more then one content matches user's profile, the system can provide user with the best match content based on the ranking to satisfy user's need.

As to claim 25, Arai discloses a system for displaying personalized channel information comprising:

a receive module (e.g., receiving section 1; Fig. 1) that receives tag information, wherein the tag information is directly appended to content that may be viewed by a user of the system (e.g., receives search criteria (program description information) from a user; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

an analysis module (e.g., search section 4; Fig. 1) that analyzes the tag information contained within the plurality of fields and modifies the display of the tag information (e.g., generating a "my channel" list), the analysis module being configured to implementing a user profile comprising user selected criteria (see col. 8, lines 45-65; col. 9, line 55-col. 10, line 32);

a display module (e.g., program guide display section 6) for displaying the modified tag information (see col. 9, lines 17-35; Fig. 4).

a profile interface module (e.g., search condition input section 3; Fig. 1) that accesses the user profile (e.g., user entered search criteria) and provides tag information to the analysis module (e.g., search section 4; Fig. 1), the analysis module using the profile tag information in selecting tagged content to add to the personalized channel from two or more predetermined channels (e.g., searching program information matched search condition to create "my channel") (see col. 8, lines 50-65; col. 9, lines 17-35; col. 10, lines 6-32; Fig. 1, 3, 4);

Arai does not specifically disclose the program information is included within a plurality of fields including a content type field, a content title field, a viewer age field, a

viewer gender field, a viewer income field, a viewer location field, and a content rating field;

Marsh discloses the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein the tag information is included within a plurality of fields including a content type field, a content title field, a viewer age field, a viewer gender field, a viewer income field, a viewer location field, and a content rating field (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Wood discloses user selected criteria comprising at least one content rating to exclude and excluding tagged content comprising the at least one content rating to exclude (e.g., parental control or quality ratings) (see paragraph 0042);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Wood to the personal channel system of Arai as modified by Marsh to provide a personalized channel that a user could enter different search criteria.

Kaltz discloses identifying content preferences in user-assigned order (e.g., user creates a priority list; Fig. 4), wherein conflict is resolved between tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to chose content when more then one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by Kaltz to the personal channel system of Arai as modified by Marsh and Wood when there are more then one content matches user's profile, the system can provide user with the best match content based on the ranking to satisfy user's need.

As to claim 20, Arai discloses a the method of claim 18, wherein the personalized programming guide blocks content tags appended to content to be excluded, as identified in the user profile (e.g., only program information matched search condition in the search result; i.e., blocking not matched information) (see col. 8, lines 45-65; Fig. 1 and 3).

As to claim 22, Arai discloses the method of claim 21 wherein the programming guide scrolls through the predetermined channels, wherein the method further comprises: continuously displaying the at least one personalized channels (Official

Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to continuously displaying the personalized channels in a program guide in order to provide a program guide that always showing content matches user's profile and minimize the work for a user to searching a preferred program).

As to claim 23, it contains the limitations of claim 18 and is analyzed as previously discussed with respect to claim 18 above.

As to claim 24, it contains the limitations of claim 22 and is analyzed as previously discussed with respect to claim 22 above.

As to claim 26, Arai discloses the system of claim 25, wherein the modified tag information (e.g., generating a "my channel" list) displayed is an abbreviated programming guide (see col. 9, lines 17-35; Fig. 4).

As to claim 27, Arai discloses the system of claim 26, wherein the abbreviated programming guide displays personalized channel data (e.g., my channel data) (see col. 9, lines 17-35; Fig. 4).

As to claim 28, Arai discloses the system of claim 27 further comprising:

a user input/output module (e.g., remote controller 9) that receives personalized channel content selections to be added to the personalized channel, wherein the analysis module adds the selected tagged content to the personalized channel (e.g., user selecting a program add to personal channel) (see col. 10, lines 35-42).

As to claim 29, Arai discloses the system of in claim 27 further comprising:

a profile interface module (e.g., search condition input section 3) that accesses the user profile and provides tag information to the analysis module (e.g., search section 4; Fig. 1), the analysis module uses the profile tag information in selecting tagged content to add to the personalized channel (see col. 8, lines 50-65; col. 10, lines 6-11).

As to claim 30, Arai discloses the system of claim 25, wherein the modified tag information (e.g., generating a "my channel" list) comprises a personalized channel of tagged content (see col. 8, lines 45-65).

As to claim 31, it contains the limitations of claim 28 and is analyzed as previously discussed with respect to claim 28 above.

7. Claims 1-3, 5-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Marsh (Pub # US 2003/0195863), in view of Wood et al. (Pub # US

2005/0047752), further in view of Labeeb et al. (Pub # US 2003/0093792 A1), and further in view of Kaltz (Pub # US 2003/0159145).

As to claim 1, Arai discloses a method of presenting channel content in a distributed network having a client device (e.g., receiver 100; Fig. 73) and a server device (e.g., center system 1000; Fig. 73), the method comprising:

evaluating tagged content (e.g., searching program information matched search condition), where in each content has a respective tag directly appended thereto (e.g., program information; the transport stream including multiplexed program information and AV data) (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5);

creating a personalized channel at the client device, wherein the personalized channel comprises tagged content from two or more predetermined channels (e.g., user enter search condition to create "my channel") (see col. 9, lines 17-35; col. 10, lines 6-32; Fig. 4);

displaying the tagged content on the personalized channel (see col. 9, lines 17-35; Fig. 4).

Arai does not specifically disclose wherein each tag comprises content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information;

Marsh disclose the tag is directly appended (e.g., adding content description metadata to a particular media content), wherein each content has a respective tag associated therewith and wherein each tag comprises content type information, content

title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information (e.g., metadata includes content type, title and rating information, also includes viewer age, gender, income, and location information) (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content metadata as taught by Marsh to the personal channel system of Arai to provide a user to make decisions about which programs to view based on descriptive data associated with programs beyond the short descriptions typically displayed in an EPG (see paragraph 0003).

Arai and Marsh fail to specifically disclose the user able to exclude contents with certain rating in the search condition.

Wood discloses a user profile comprising user selected criteria, wherein the user selected criteria comprises at least one content rating to exclude; wherein the personalized channel excludes tagged content based on the at least one content rating in the user profile (e.g., parental control or quality ratings) (see paragraph 0042);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide content rating as taught by Wood to the personal channel system of Arai as modified by Marsh to provide a personalized channel that a user could enter different search criteria.

Arai, Marsh and Wood do not specifically disclose the personal channel is created automatically through the user profile.

Labeeb discloses the personalized channel is automatically created through use of the profile, wherein the user profile comprising a stored data structure (e.g., database 116) (e.g., personal preference database generated by user's viewing habits) (see paragraph 0067, 0073, 0104-0106).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide automatically generated profile as taught by Labeeb to the personal channel system of Arai as modified by Wood because it allows the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer (see paragraph 0003).

Arai, Marsh, Wood and Labeeb do not specifically disclose identifying content preferences in user-assigned order.

Kaltz discloses identifying content preferences in user-assigned order (e.g., user creates a priority list; Fig. 4), wherein conflict is resolved when tagged content from the two or more predetermined channels match the user profile and occur at the same time by selecting tagged content from one of the two or more predetermined channels that matches a highest order preference in the user profile (e.g., using a tie-breaker attribute to choose content when more than one content matches; Fig. 9) (see paragraph 0014, 0024-0026, 0034-0036)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide preferences in user-assigned order as taught by

Kaltz to the personal channel system of Arai as modified by Marsh, Wood and Labeeb when there are more than one content matches user's profile, the system can provide user with the best match content based on the ranking to satisfy user's need.

As to claim 2, Arai discloses the method of claim 1, wherein the tagged content is received from the server device and wherein the method further comprises:

 parsing the tagged content to evaluate the information contained within each tag (e.g., searching program information matched search condition) (see col. 8, lines 50-65; Fig. 1 and 3);

 wherein the act of creating a personalized channel comprises repackaging tagged content into the personalized channel (e.g., switching between channels to generate personal channel) (see col. 9, lines 35-45).

As to claim 3, Arai discloses the method of claim 1, wherein the tagged content is received from the server device and wherein the method further comprises:

 parsing the tagged content to evaluate the information contained within each tag (e.g., searching program information matched search condition) (see col. 8, lines 50-65; Fig. 1 and 3);

 wherein the act of creating a personalized channel comprises automatically redirecting selected tagged content to the user (e.g., switching between channels to generate personal channel; it is done by the receiver) (see col. 9, lines 35-45).

As to claim 5, Labeeb discloses the method of claim 1 wherein the user profile further comprises exclusion information and wherein tagged content is not added to the personalized channel when tag information associated with the tagged content matches exclusion information in the user profile (e.g., filtering out Ads that not be interesting to the viewer) (see paragraph 0067, 0073, 0104-0106, 3010).

As to claim 6, Labeeb discloses the method of claim 1 wherein the preference information comprises preferences as to the type of tagged content and the rating of the tagged content (see paragraph 0353).

As to claim 7, Labeeb disclose the method of claim 1 further comprising:
manually creating the user profile (e.g., viewer created profile) (see paragraph 0207).

As to claim 8, Labeeb discloses the method of claim 1 further comprising:
automatically creating the user profile based on historical information (e.g., personal preference database generated by user's viewing habits) (see paragraph 0067, 0073, 0104-0106).

As to claim 9, Labeeb discloses the method of claim 8 further comprising:
automatically updating the user profile based on updated historical information (e.g., personal preference database generated by user's viewing habits) (see paragraph 0067, 0073, 0104-0106, 0112, 0114).

As to claim 10, Labeeb discloses the method of in claim 1 wherein the personalized channel is manually created and updated (e.g., every time the viewer updates the profile it will change the personal channel settings) (see paragraph 0207).

As to claim 11, Arai discloses the method of claim 1, further comprising: creating a second personalized channel (e.g., my channel 2; Fig. 6), the second personalized channel comprising tagged content from two or more predetermined channels, wherein second channel comprises at least some tagged content not in the first personalized channel (see col. 9, lines 55-67; Fig. 6).

As to claim 12, Labeeb discloses the method of claim 11 further comprising: accessing the first personalized channel using a first access code; and accessing the second personalized channel using a second access code, the second access code being different from the first access code (e.g., the personal channel is based on user's profile, each user has different profile, and each user has a password to login the system; i.e., user Bob has a password, user Susan has a password) (see page 145-146).

As to claims 14-15 and 17, they contain the limitations of claims 9-10,12 and are analyzed as previously discussed with respect to claims 9-10, 12 above.

As to claims 13 and 16, they contain the limitations of claims 1 and 11 and are analyzed as previously discussed with respect to claims 1 and 11 above.

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 5-18, 20, 22-31 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to claims 1, 18 and 25, a response is considered necessary for several of applicant's arguments since Arai, Marsh, Wood, Kaltz and Labeeb references will continue to be used to meet several claimed limitations.

Applicant argues that Arai does not describe or suggest evaluating tagged content, wherein each content has a respective tag directly appended thereto and wherein each tag comprises content type information, content title information, viewer age information, viewer gender information, viewer income information, viewer location information, and content rating information.

However, the examiner respectfully disagrees. Arai discloses program information and search condition selected by a user; and a transport stream including multiplexed program information and AV data (program). Thus, the program information is attached to the program (see abstract; col. 8, lines 1-34; col. 9, line 55-col. 10, line 32; Fig. 5).

Marsh discloses the tag is directly appended (e.g., content description metadata added to particular media content) (see paragraph 0035, 0961); and the metadata

includes content type, title and rating information, also includes viewer age, gender, income, and location information (see paragraph 0035, 0080, 0193, 0227-0232, 0525, 0961, 1271).

Therefore, the combination of Arai and Marsh disclose the claimed limitations.

Applicant also argues the content description metadata of Marsh is stored separately from the actual content and is not appended directly to the actual content.

The examiner respectfully disagrees. First, how the metadata and content to be stored is not claimed and Marsh discloses the content distribution system 310 provides both content and content description metadata to multiple users, also content description metadata can be added to particular media content (see paragraph 0035, 0961).

Secondly, applicant also claims receiving the tag information prior to receiving content (claim 18). If interprets the claim in applicant's way, the tag information and content should receive at the same time, because they are the same data. Therefore, the examiner interprets the tag information and the content are two separated files/data.

Inter alia, the rejection respect to claims 1-3, 5-18, 20, 22-31 are maintained at least for the reason above.

Conclusion

9. Claims 1-3, 5-18, 20, 22-31 are rejected.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Novak et al. (Patent # US 7103905 B2) is cited to teach personal channel.

Traw et al. (Pub # US 2003/0066090 A1) is cited to teach personalized channel.

Blas (Pub # US 2004/0216158) is cited to teach personal program guide.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
2/1/2010

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
February 18, 2010